

One Wisconsin Now: What Price Justice, Dan Kelly?

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MADISON, Wis. — While a right-wing legal group had a case before the Wisconsin Supreme Court, Justice Dan Kelly took campaign contributions from members of their board of directors. A review of Kelly's recently filed campaign finance report by One Wisconsin Now reveals he received \$1,000 contributions from board members of the Wisconsin Institute for Law and Liberty in the days immediately preceding and following the controversial decision in the case *Koschkee v. Taylor*.

"It's arguable whether Dan Kelly should have ever been involved in hearing this case, given his close association with the group that brought it before the court," said One Wisconsin Now Research Director Joanna Beilman-Dulin. "But there's no debate over how outrageous it is that he took thousands of dollars in campaign contributions from members of the group's board of directors as he was deciding the case in their favor."

According to Kelly's campaign finance filing on June 17 Michael Grebe, former head of the right-wing mega-funder Bradley Foundation and current member of the Board of Directors of the Wisconsin Institute for Law and Liberty (WILL), donated \$1,000. Fellow WILL board member James T. Barry III donated \$1,000 on June 28.

In the case *Koschkee v. Taylor*, Kelly joined with a conservative majority in siding with WILL, who argued the case on behalf of the plaintiffs, in an opinion filed on June 25.

The 2019 decision reversed a 2016 ruling of the state high court striking down nearly identical legislation as it applied to the Superintendent of Public Instruction, a statewide elected constitutional officer.

In a stinging dissent to the decision of Kelly and his conservative court cohorts, Justice Ann Walsh Bradley wrote, “ ... nothing in our Constitution has changed since Coyne was decided, what has changed is the membership of the court. This time around, a new majority of this court does an about-face and now concludes that the substance of Act 57 is constitutional. To reach this conclusion, it throws the doctrine of stare decisis out the window.”

Beilman-Dulin noted that before taking the money from WILL board members, in 2016 Kelly also served on the group’s advisory board for legal strategy. The head of WILL, who personally argued the *Koschkee* case before Kelly, also endorsed Kelly’s appointment to the state high court by then-Gov. Scott Walker.